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Amended CU Regulations Allow for Replacement Phytosanitary Certificates

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

In mid-September 2013, amendments to the Customs Union (CU) Regulation on Border Phytosanitary Control came to force per the Decision of the Council of the Euro-Asian Economic Commission (EEC) No. 50 of August 16, 2013. In addition to smaller edits and language changes, the amendments allow using re-placement phytosanitary certificates under the condition that the authorized agencies of exporting countries guarantee safety and wholesomeness of regulated products from the moment of out-loading to the moment of entry to the customs territory of the Customs Union. The previous CU Regulations on the Border Phytosanitary Control did not allow for replacement certificates.

General Information:

On August 16, 2013, the Council of the Euro-Asian Economic Commission (EEC) approved amendments to the Customs Union (CU) Regulations on Border Phytosanitary Control by the EEC Council Decision No. 50 of August 16, 2013 “On Amendments to the Regulation of the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Customs Union”. The amendments in Russian can be found at: [EEC Council Decision No 50 of August 16 2013](#). These amendments came into force on September 19, 2013.

The EEC Decision No. 50 of August 16, 2013 introduces various amendments throughout the Regulation on the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Customs Union. Although most of these are smaller edits and word changes (the unofficial translation of Decision No. 50 of August 16, 2013, is given below), the key change is the amendments allow using re-placement phytosanitary certificates under the condition that the authorized agencies of exporting countries guarantee safety and wholesomeness of regulated products from the moment of out-loading to the moment of entry to the customs territory of the Customs Union. The previous CU Regulations on tBorder Phytosanitary Control did not allow for replacement certificates.

The amendment authorizes use of replacement certificates in trade of regulated products of plant origin (sub-paragraph e) of paragraph 4.1.6 of the Amendments):

“e) in subparagraph 4.1.6:

paragraph two after words “authorized body of which has issued it” to add “..., with the exception of phytosanitary certificates issued for replacement under the condition that the authorized body of the exporting country provide for and confirm:

- the phytosanitary safety of regulated products;
- selection of samples , inspection and treatment of regulated products necessary for fulfillment of quarantine phytosanitary requiremensts prior to shipping the regulated products;
- wholesomeness of regulated products from the moment of out loading to the moment of entry of regulated products to the customs territory of the Customs Union”

The regulation itself has been in force since July 1, 2010 per the Decision of the Customs Union Committee No. 318 of June 18, 2010 “On Provision of Plant Quarantine in the Customs Union” (*CU decision 318*)¹.

¹ ¹ FAS/Moscow reported on this CU Decision No. 318 of June 18, 2010 and on the activities of the Russian Government in implementation of this Decision in the following reports:

- [Russia Updates Quarantine Regulations of Imported Products 1-18-2011.pdf](#);
- [Customs Union List of Imported Products under Phytosanitary Control 10-4-2010.pdf](#)
- [Custom Union Update July 2010 7-26-2010.pdf](#)

EEC DECISION NO. 50 OF AUGUST 16, 2013

BEGIN UNOFFICIAL TRANSLATION

Euro-Asian Economic Commission Council Decision

August 16, 2013

Suzdal

No. 50

On Amendments to the Regulation of the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Customs Union

The Council of the Euro-Asian Economic Commission decided:

1. To amend (as in the Attachment) the Regulation of the Procedure of Phytosanitary Quarantine Control (Supervision) at the Customs Border of the Customs Union approved by the Decision of the Commission of the Customs Union No. 318 of June 18, 2010;
2. The decision herein comes to force within 30 calendar days from the date of its publication.

Members of the Council of the Euro-Asian Economic Commission

For Republic of Belarus	For Republic of Kazakhstan	For Russian Federation
S. Rumas	K. Kelimbetov	I. Shuvalov

Attachment
To the Decision of the Council of the Euro-Asian Economic Commission
No. 50 of August 16, 2013.

Changes and Amendments to the Regulations on the Procedure for Quarantine Phytosanitary Control (Supervision) at the Customs Border of the Customs Union

1. Section 2 of article 1.2 to read as follows:
"when regulated products are exported from the customs territory of the Customs Union".
2. In article 1.3:
 - a) in the first paragraph the word "Parties" to replace with the words "States – members of the Customs Union (hereinafter – Parties)";
 - b) in the second paragraph after words "in accord with international legislation" add "including for international exhibitions".
3. Article 1.4 to read as follows:
"1.4. In quarantine phytosanitary control (surveillance) at the customs border of the Customs Union the authorized bodies of the Parties are governed by the legislation of their states unless the relations arising from the implementation of quarantine phytosanitary control (surveillance) at the customs border are directly regulated by the present Regulation"
4. In article 2.1:
 - a) in paragraph 20 the word "national" to exclude;
 - b) paragraph 21 read as follows: "phytosanitary control post" is a post of plant quarantine created at checkpoints across the customs border of the Customs Union and in other places, which is

equipped and fitted in accordance with the legislation of the Customs Union;”

c) in paragraph 22 the words “phytosanitary requirements” renamed “quarantine phytosanitary requirements”;

d) paragraph 24 to read as follows: “expert organization” – organization in the structure of the authorized bodies that has qualified specialists and equipped with the necessary technical means for the study of quarantine phytosanitary state of the samples (samples) of regulated quarantine products using the methods of laboratory control off-site the place of sampling (taking samples) of regulated products

5. Article 3.1 to add with the following paragraphs:

“Regulated products of high phytosanitary risk are imported to the customs territory of the Customs Union accompanied by a phytosanitary certificate on the imported batch of these products.

The Phytosanitary certificate for imported to the customs territory of the Customs Union batch of regulated products of high phytosanitary risk is filled in one of the official languages of the Parties, and (or) in English, unless otherwise provided by international agreements of the Parties”

6. Article 3.2 to add with the following paragraph “In the place of delivery of regulated products the original phytosanitary certificate of the exporting country shall be seized during the exercise of quarantine phytosanitary control (surveillance);

7. In article 3.3:

a) in paragraph 1 the words “phytosanitary requirements” to replace with the words ‘quarantine phytosanitary requirements’;

b) in paragraph 2 the words “about phytosanitary requirements” to replace with the words ‘about quarantine phytosanitary requirements’;

8. In Article 3.4 to add the word “(surveillance)” after the words “to exercise control”;

9. Article 3.6 to add with the following paragraph:

"If the visual inspection and (or) the analysis of samples (samples) of regulated products discovered organisms, similar in morphology to the quarantine objects (quarantine harmful organisms) the decision on the future movement of regulated products is made by an official of the authorized body after receiving the results of examination, but not later than 72 hours after sampling”;

10. In Article 3.9 the words “national lists of the Parties” to replace with “the national Lists of quarantine objects”;

11. In article 3.10:

a) sub-articles 1 and 2 to read as follows:

1) the official of the authorized body of the Party, which carries out quarantine phytosanitary control (supervision), affixes the permitting inscription (stamp) on the phytosanitary certificate (if available) and transport (shipping) document in accordance with Annex 1;

2) makes the act of quarantine phytosanitary control (supervision) in accord with Annex 2.;

b) paragraph 4 to exclude;

12. Article 3.11. to read as follows:

"If the legislation of the Parties envisages fees for carrying out certain control measures and (or) an examination of the samples (samples) of regulated products, the amount of such fees is determined by the tariffs approved in the prescribed manner in accordance with the legislation of

the Parties.”;

13. In article 4.1:

a) in sub-article 4.1.1:

sub-paragraph 2, after words “batch of regulated products” to add with the words “(with translation, if necessary in the official language of the Party represented by the official of the authorized body)”;

the sub-paragraph 3 to read as follows:

“3) permit for imports of regulated objects (harmful quarantine organisms) for scientific-research purposes”;

b) in sub-paragraph 2 of sub-article 4.1.2 the words “phytosanitary requirements” to replace with the words “quarantine phytosanitary requirements”;

c) in sub-paragraph 2 of sub-article 4.1.3 the words “phytosanitary requirements” to replace with the words “quarantine phytosanitary requirements”;

d) in sub-paragraph 2 of sub-article 4.1.4 the words “phytosanitary requirements” to replace with the words “quarantine phytosanitary requirements”;

e) in sub-paragraph 1 of sub-article 4.1.5 the words “person or organization” to replace with the word “body”;

f) in sub-article 4.1.6.

subparagraph 2 after words “authorized body of which has issued it” to add “..., with the exception of phytosanitary certificates issued for replacement under the condition that the authorized body of the exporting country provide for and confirm:

- the phytosanitary safety of regulated products;
- selection of samples , inspection and treatment of regulated products necessary for fulfillment of quarantine phytosanitary requirements prior to shipping the regulated products;
- wholesomeness of regulated products from the moment of out loading to the moment of entry of regulated products to the customs territory of the Customs Union”;
- in sub-paragraphs 3 and 4 the words “phytosanitary requirements” to replace with words “quarantine phytosanitary requirements”;
- in sub-paragraph 5 the words “persons or organizations” to replace with the word “body”;
- in subparagraph 6 the words “phytosanitary requirements” to replace with words “quarantine phytosanitary requirements”;

g) in sub-article 4.1.7 the words “phytosanitary requirements” to replace with words “quarantine phytosanitary requirements”;

14. In sub-paragraph 1 of sub-article 4.2.4 of article 4.2 the words “phytosanitary requirements” to replace with words “quarantine phytosanitary requirements”

15. In Article 4.3:

a) in sub-paragraph 2 of sub-article 4.3.2 the words “regulated products in packages” to replace with words “packing and packaging”;

b) sub-article 4.3.3.to read as follows:

“When viewed regulated product, in the case of finding on its surface, in container and (or) package of organisms that are similar in morphology to the quarantine objects (quarantine harmful organisms), symptoms of plant diseases, signs of damage to the regulated products by quarantine objects (quarantine harmful organisms), inspection of regulated products is conducted in accordance with article 4.4. hereof”;

c) in sub-paragraph 3 of sub-article 4.3.4

- in the first paragraph the word “sub-article 7.2” to replace with “article 7.2”;

- in the third paragraph the words "sub-article 6.2" to replace with "article 6.2";
- 16. In sub-paragraph 3 of sub-article 4.4.3. of article 4.4
 - in the first paragraph the words "sub-article 7.2" to replace with "article 7.2";
 - in the third paragraph the words "sub-article 6.2" to replace with "article 6.2";
- 17. Articles 5.2 and 5.3 to read as follows:

"The results of analysis of samples of regulated products are reflected in the act of quarantine phytosanitary control (supervision). On the results of examination of samples of regulated products make a report about the results of quarantine phytosanitary examination, signed by the specialist(s) of the expert organization";
- 18. Article 5.5 to exclude;
- 19. Article 6.1 to add with paragraph:

"In the case of finding quarantine weed seeds in the seeds (planting seeds) of regulated products the products to be returned or destroyed";
- 20. In the first paragraph of article 6.1 the words "with sub-articles 6.3 and 6.4" to replace with the words "with articles 6.3 and 6.4";
- 21. The first paragraph of article 6.3 to read as follows

"6.3. Regulated products at the request of the owner of products to be decontaminated by the owner if there are conditions for decontamination of regulated products in the place where the quarantine phytosanitary control (supervision) is conducted. Conditions of transportation to the point of disinfection should prevent spread of quarantine objects on the way to the place of disinfection";
- 22. In article 7.1:
 - a) sub-article 1 read as follows:

"products transported through the customs border in mails, hand luggage of passengers ships, aircraft, passenger cars, vehicles, crew members of ships and planes, in train restaurant-cars, provided that the said products are not planting or seed material or potatoes";
 - b) in sub-article 2 the words "in accord with the legislation of the Parties" to exclude;
- 23. To add article 7.3 of the following content:

"Imports of quarantine objects into the territory of the Customs Union is not permitted, except for the cases of import for research purposes with the permission of the authorized body";
- 24. To add article 8.3:

"8.3. If the phytosanitary requirements of the importing country allow and (or) not regulate importation of regulated products infested with quarantine objects of quarantine significance for the Parties, the export of specified products from the customs territory of the Customs Union is not prohibited";
- 25. Article 9.2 to exclude;
- 26. The title of Annex 1 to read as follows:

"Annex No. 1
to the Regulation on the Procedure
of the quarantine phytosanitary control (supervision)
at the customs border of the Customs Union"

- 27. The Annex No. 2 to the Regulation to read as follows:

“Annex No. 2
to the Regulation on the Procedure
of the quarantine phytosanitary control (supervision)
at the customs border of the Customs Union
(edition of the Decision of the Council
of the Euro-Asian Economic Commission
No. __ of __ 2013”

(Name of the authorized issuing authority)

ACT OF QUARANTINE PHYTOSANITARY CONTROL (SUPERVISION)

_____ number of _____

(Date of issue)

I, _____

(Position, name)

Held quarantine phytosanitary control (supervision) of regulated products

(Name and number of regulated products)

and vehicles: _____

(Number of the vehicle)

received from: _____

(Name of country)

origin: _____

(Name of country)

phytosanitary certificate: _____

(Phytosanitary certificate number and date of issue)

issued: _____

(Name of country)

Exporter (sender): _____

(Company name and address)

Importer (receiver): _____

(Company name and address)

In the result _____ determined _____

(Name of event)

For analysis or examination of regulated products, samples (samples): _____ pcs.

in the amount of _____ (if u rev.)

Action pattern: _____

Prescribed following quarantine phytosanitary measures: _____

Act is in the presence of the owner (representative) of the cargo: _____

(Signature) (Name)

An official of the authorized body,
performing the functions of quarantine

phytosanitary control (supervision) _____

(Signature) (Name)

MP

Appendix to the Act of quarantine phytosanitary control (supervision)
of _____ number _____

No.	Name of regulated product	No. of phytosanitary certificate	Quantity of regulated products ((in the corresponding units)	Selected average samples		
				Quantity	Unit of measurement	Action with sample

An official of the authorized body,
performing the functions of quarantine
phytosanitary control (supervision) _____
(Signature) (Name)

END UNOFFICIAL TRANSLATION